

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julia Moran	Team: Squad #6	CCRB Case #: 202001623	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 12/12/2019 1:30 PM	Location of Incident: [REDACTED]	Precinct: 120	18 Mo. SOL 6/12/2021	EO SOL 1/27/2022	
Date/Time CV Reported Thu, 02/13/2020 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 02/27/2020 11:09 AM		
Complainant/Victim	Type	Home Address			
[REDACTED]	[REDACTED]	[REDACTED]			
Witness(es)	Home Address				
[REDACTED]	[REDACTED]				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Stefano Salvaggio	02490	924452	123 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Stefano Salvaggio	Force: Police Officer Stefano Salvaggio used physical force against § 87(2)(b) [REDACTED]			[REDACTED]	
B.POM Stefano Salvaggio	Discourtesy: Police Officer Stefano Salvaggio spoke discourteously to § 87(2)(b) [REDACTED]			[REDACTED]	

Case Summary

On February 13, 2020, § 87(2)(b) reported this complaint with IAB under log number 2020-5357. The CCRB received the complaint on February 27, 2020.

On December 12, 2019, § 87(2)(b) was in an isolation room in the emergency room of § 87(2)(b) located at § 87(2)(b) in Staten Island. PO Stefano Salvaggio of the 123rd Precinct guarded § 87(2)(b)'s room. § 87(2)(b) stood handcuffed to his stretcher when two hospital security guards, § 87(2)(b) and § 87(2)(b) entered the room with PO Salvaggio and allegedly body slammed him against his bed (**Allegation A: Force** – § 87(2)(g)). PO Salvaggio handcuffed § 87(2)(b)'s left hand to the stretcher and in the process hurt his left ring finger. § 87(2)(b) told PO Salvaggio he hurt his finger and PO Salvaggio said, "Fuck you. You hurt my finger" (**Allegation B: Discourtesy** – § 87(2)(g)). PO Salvaggio then left the room and § 87(2)(b) was taken to Central Booking. § 87(2)(b) was arrested and charged with assault of a police officer, unauthorized use of vehicle, and driving while under the influence (BR 1-3).

Thirteen BWC videos were obtained in regards to this incident (BR 4-16). However, the BWC captured the response to § 87(2)(b)'s car accident and did not capture PO Salvaggio at the hospital or the timeframe when FADOs were alleged. § 87(2)(g), § 87(4-b), § 87(2)(b)

Findings and Recommendations

Allegation (A) Force: PO Stefano Salvaggio used physical force against § 87(2)(b).

§ 87(2)(b) testified that on December 12, 2019, at approximately 2 a.m., he was in a car crash and taken to the hospital by the police. He was in the emergency room and stood next to his bed with his right hand cuffed to the hospital bed (BR 17). His feet were also shackled together, but not to the bed. PO Salvaggio asked § 87(2)(b) if he remembered why he was at the hospital and § 87(2)(b) told him, "Fuck you and your case." PO Salvaggio did not respond and then took off his BWC and gave it to a nurse outside of § 87(2)(b)'s hospital room. PO Salvaggio spoke with § 87(2)(b) and § 87(2)(b) and then all three entered his room. PO Salvaggio told § 87(2)(b) to lay back down on the bed. When § 87(2)(b) refused, PO Salvaggio grabbed his upper body. § 87(2)(b) and § 87(2)(b) grabbed § 87(2)(b)'s lower body. They then lifted § 87(2)(b) off the ground and body slammed him onto the hospital bed. § 87(2)(b) did not resist. § 87(2)(b) and § 87(2)(b) then held § 87(2)(b)'s lower body down while PO Salvaggio cuffed his left hand to the bed. In the process, PO Salvaggio grabbed his left ring finger and purposely bent it back. § 87(2)(b) still has pain in his finger.

§ 87(2)(b) did not remember the incident and could not provide a statement.

§ 87(2)(b) testified that § 87(2)(b) cursed at PO Salvaggio, tried to flip the stretcher over, and threatened to beat § 87(2)(b) and § 87(2)(b) if they entered his room (BR 19). § 87(2)(b) then shoved his stretcher into PO Salvaggio's legs. § 87(2)(b) and § 87(2)(b) entered the room to help PO Salvaggio handcuff § 87(2)(b)'s arm. PO Salvaggio and § 87(2)(b) both asked § 87(2)(b) to get on the stretcher and he refused and responded that if § 87(2)(b) got near him, then he would "start swinging." § 87(2)(b) swung and kicked

at § 87(2)(b) and PO Salvaggio, but he did not hit § 87(2)(b) s behind first contacted the bed so he sat on the stretcher. § 87(2)(b) and § 87(2)(b) then lifted § 87(2)(b) s legs onto the stretcher while PO Salvaggio restrained his free arm. § 87(2)(b) did not know how PO Salvaggio made contact with § 87(2)(b) because he was focused on § 87(2)(b) s legs. It took 10-15 seconds to get § 87(2)(b) on the stretcher. PO Salvaggio then handcuffed § 87(2)(b) s free arm. § 87(2)(b) did not see PO Salvaggio use any other force or make any other physical contact with § 87(2)(b)

PO Salvaggio testified that he was assigned to guard § 87(2)(b) s room because he was under arrest (BR 18). § 87(2)(b) had one hand cuffed to his hospital bed railing when he got up and yelled asking to be uncuffed and released. PO Salvaggio told him that he would be going to court soon and to sit down on the bed. § 87(2)(b) complied for a few minutes before he started to yell again. PO Salvaggio told § 87(2)(b) to calm down. § 87(2)(b) did not comply and continued to yell for 10-15 minutes. He then picked his bed up and continuously slammed it on the floor. PO Salvaggio told § 87(2)(b) that he would be transferred, and he needed to sit down and stop slamming the bed. He then told § 87(2)(b) that he was going to hurt himself, an officer, or hospital staff if he continued to slam the bed, but § 87(2)(b) continued this behavior. § 87(2)(b) and § 87(2)(b) arrived. While § 87(2)(b) stood next to his bed, PO Salvaggio decided to handcuff § 87(2)(b) s free hand to prevent any injuries. PO Salvaggio cuffed § 87(2)(b) s free wrist. § 87(2)(b) flailed his arm and grabbed PO Salvaggio's left hand which caused a tear in PO Salvaggio's tendon on his left ring finger. PO Salvaggio told § 87(2)(b) to give him his hand and stop fighting. § 87(2)(b) did not comply. § 87(2)(b) and § 87(2)(b) helped handcuff § 87(2)(b) and get him on the bed. PO Salvaggio did not remember how § 87(2)(b) got on the bed. § 87(2)(b) kicked, fought with the officers, and moved his body and arm so that PO Salvaggio could not handcuff it to the rail. It took over a minute to get § 87(2)(b) cuffed to the railing. PO Salvaggio only made contact with § 87(2)(b) s wrist and did not believe he grabbed § 87(2)(b) by his shoulders. PO Salvaggio did not body slam § 87(2)(b) onto the hospital bed.

Patrol Guide 221-01 states force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody (BR 20). All hospitalized prisoners will be handcuffed to the bed with one wrist secured to one side of the bed Patrol Guide 210-02 (BR 26).

PO Salvaggio did not have his BWC activated because of privacy concerns in the hospital. § 87(2)(b) and PO Salvaggio all testified that § 87(2)(b) refused to comply with multiple orders to lay down on the hospital stretcher. While § 87(2)(b) alleged that PO Salvaggio grabbed his upper body and along with § 87(2)(b) and § 87(2)(b) lifted him up and body slammed him against the stretcher, both PO Salvaggio and § 87(2)(b) testified that PO Salvaggio only held § 87(2)(b) s wrist and used minimal force to get § 87(2)(b) s free arm into handcuffs. § 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(2)(b)

Allegation (B) Discourtesy: PO Stefano Salvaggio spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that when he told PO Salvaggio that PO Salvaggio hurt his finger, PO Salvaggio responded, “Fuck you. You hurt my finger.”

PO Salvaggio testified that he did not remember if he had any conversation with § 87(2)(b) about his injured finger. He did not use profanity and did not recall if he stated, “Fuck you. You hurt my finger.”

§ 87(2)(b) testified that he did not hear PO Salvaggio say, “Fuck you. You hurt my finger.” He did not hear PO Salvaggio use any profanity when interacting with § 87(2)(b)

Though § 87(2)(b) testified that PO Salvaggio said, “Fuck you. You hurt my finger”, PO Salvaggio did not recall using profanity and § 87(2)(b) did not hear profanity used by him. As noted, BWC footage was not turned on during the incident. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR 22).
- PO Salvaggio has been a member of service for 21 years and has been a subject in one CCRB complaint and one allegation, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of June 16, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 24).

§ 87(2)(b)

Squad No.: 6

Investigator: Julia Moran Inv. Julia Moran 4/29/2021
Signature Print Title & Name Date

Squad Leader: Jessica Pena IM Jessica Peña 4/29/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date

CCRB Case # 202001623